

FILED

United States Court of Appeals  
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

April 9, 2015

Elisabeth A. Shumaker  
Clerk of Court

ANDREW ALWERT; STANLEY  
FELDMAN,

Petitioners,

v.

COX COMMUNICATIONS, INC.,

Respondent.

No. 15-600  
(D.C. No. 5:12-ML-02048-C)  
(W.D. Okla.)

ORDER

Before **TYMKOVICH**, **GORSUCH**, and **PHILLIPS**, Circuit Judges.

This matter is before us on a petition for permission to appeal pursuant to 28 U.S.C. § 1292(b) and Federal Rule of Appellate Procedure 5. Andrew Alwert and Stanley Feldman, the named plaintiffs in two putative class actions that are part of multidistrict litigation consolidated in the Western District of Oklahoma, seek to appeal the district court's orders granting Defendant Cox Communications, Inc.'s motions to compel arbitration in both cases. Cox filed a response in opposition to the petition.

Upon careful consideration of the petition, the response, and the applicable law, the petition for permission to appeal is granted. Messrs. Alwert and Feldman are granted permission to appeal the district court's arbitration orders. This grant of permission will result in two separate appeals in this court.

Within 14 days from the date of this order, Messrs. Alwert and Feldman shall each separately pay to the district court all required fees. Fed. R. App. P. 5(d)(1)(a). After the fees have been paid and the district court clerk has complied with Federal Rule of Appellate Procedure 5(d)(3), two new appeals with new case numbers will be opened. Notices of appeal need not be filed. The date of this order serves as the date of the notice of appeal for calculating time under the Federal Rules of Appellate Procedure and the Tenth Circuit Rules. Fed. R. App. P. 5(d)(2).

Once the appeals are opened, they will proceed in accordance with all the usual Federal Rules of Appellate Procedure and local rules of this court.

Entered for the Court  
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink, appearing to read "Jane K. Castro", with a long horizontal flourish extending to the right.

by: Jane K. Castro  
Counsel to the Clerk